

REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the above amendments and in light of the following remarks and discussion.

Claims 1-77 are pending in the application. Claim 78 has been canceled without prejudice or disclaimer.

The outstanding Action presented a rejection of Claims 1-6, 12, 20-22, 24, 29, 34, 35, 40, 41, 46-48, 50, 52, 55, 60, 62-64, 66, and 71 as being anticipated by Nakagawa et al. (U.S. Patent No. 5,835,911, Nakagawa).

Applicants acknowledge with gratitude the indication that Claims 7-11, 13-19, 23, 25-28, 30-33, 37-39, 42-45, 49, 51, 53-54, 56-59, 61, 65, 67-70, and 72-77 are only objected to as depending on a rejected base claim and would be considered allowable if rewritten in independent form to include all limitations of the base claim and any intervening claims.

The rejection of Claims 1-6, 12, 20-22, 24, 29, 34, 35, 40, 41, 46-48, 50, 52, 55, 60, 62-64, 66, and 71 as being anticipated by Nakagawa is traversed.

First of all, it is noted that Claim 12 depends on Claim 10, Claim 24 depends on Claim 23, Claim 29 depends on Claim 28, Claims 34-35 depend on Claim 33, Claim 40 depends on Claim 39, Claims 50 and 52 depend on Claim 49, Claim 55 depends on Claim 54, Claim 60 depends on Claim 59, Claim 66 depends on Claim 65, and Claim 71 depends on Claim 70. Thus, as Claims 10, 23, 28, 33, 39, 49, 54, 59, 65, and 70 are all indicated to be drawn to allowable subject matter, Claims 12, 24, 29, 34, 35, 40, 50, 52, 55, 60, 66, and 71 that depend thereon as noted above incorporate this allowable subject matter. Accordingly, withdrawal of the rejection of Claim 12, 24, 29, 34, 35, 40, 50, 52, 55, 60, 66, and 71 is respectfully requested.

Independent Claims 1, 20, 36, 41, 46, and 62 all require a remote managing apparatus, an intermediary apparatus, and a plurality of electronic apparatuses that are remotely

managed by the remote managing apparatus through the intermediary apparatus and a communication line.

It appears that the Nakagawa user computers 1-1 to 1-n are being equated to the claimed plurality of electronic apparatuses, either process units 1b or the client program CP run as part of these user computers is misinterpreted to be equitable to the claimed intermediary apparatus and the vendor computer 3 is being equated to the claimed remote managing apparatus in the outstanding Action. However, as is clear from Fig. 1, the process units 1b that are associated with the client program CP are part of user computers, not anything that can be said to be an intermediary apparatus that is required to provide part of the path for performing remote management to the plurality of electronic apparatuses.

In this regard, Claims 1 and 20 require that the intermediary apparatus has an intermediary apparatus software transmitting part that transmits the first software stored in the second storage part to at least one of the electronic apparatuses when the at least one of the electronic apparatuses requires the second software stored therein to be updated. To the extent that the client program CP interacts with the vendor computer, it does so as part of the user computer, not as an intermediary apparatus having an intermediary apparatus software transmitting part that transmits the first software stored in the second storage part to itself.

Claims 36 and 41 are similar in requiring “transmitting the software in the intermediary apparatus storage part to at least one of the electronic apparatuses when the at least one of the electronic apparatuses requires software stored therein to be updated.”

Claims 46 and 62 have similar recitals.

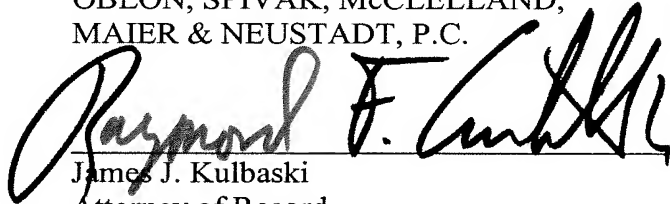
Clearly, it is unreasonable to suggest that something internal to the user computers can be said to be transmitting something to that same user computer. Accordingly, independent Claims 1, 20, 36, 41, 46, and 62 cannot be said to be anticipated by Nakagawa based upon the strained interpretation offered in the outstanding Action.

The rejection of dependent Claims 2-6, 21, 22, 47, 48, 63, and 64 as being anticipated by Nakagawa is also traversed as these claims depend on and include all of the limitation of one of the above argued independent Claims 1, 20, 36, 41, 46, and 62. Therefore, Claims 2-6, 21, 22, 47, 48, 63, and 64 patentably define over Nakagawa at least for the same reasons as the corresponding independent claim. In addition, these dependent claims add further limitations not taught or suggested by Nakagawa and patentably define over Nakagawa for this reason as well.

Accordingly, it is respectfully submitted that no further issues remain outstanding in the present application, and that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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